

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MIKE GUTIERREZ BRUNO, §
§
Petitioner, §
§
v. § CIVIL ACTION NO. H-07-1537
§
NATHANIEL QUARTERMAN, §
§
Respondent. §

ORDER ON DISMISSAL

State inmate Mike Gutierrez Bruno, proceeding *pro se*, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 1992 state court felony conviction. A review of the court records for the United States District Court for the Southern District of Texas shows that petitioner has filed at least three federal habeas petitions challenging this conviction. *See Bruno v. Dretke*, C.A. No. H-07-0329 (S.D. Tex.) and the habeas cases listed therein.

A district court may hear a claim not presented in a prior federal application only if the court of appeals issues an order of authorization. 28 U.S.C. § 2244(b)(3). Any claim that was raised in a prior federal habeas application is not subject to adjudication by the district court and must be dismissed. 28 U.S.C. § 2244(b)(1). Petitioner admits that the grounds raised in the instant petition were dismissed by the Court in his prior federal habeas petitions. That these claims were dismissed as barred by limitations or as unauthorized successive claims does not excuse the procedural requirements of section 2244(b)(1). Accordingly,

these claims have been adjudicated and must be dismissed. In the alternative, for any new grounds not previously raised by petitioner in his federal habeas proceedings, he is required to obtain an order of authorization from the Fifth Circuit Court of Appeals to proceed by successive petition. No such authorization is shown in the instant case.

Accordingly, this action is DISMISSED for lack of jurisdiction pursuant to 28 U.S.C. § 2244(b). A certificate of appealability is DENIED. Any and all pending motions are DENIED AS MOOT.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas on May 15, 2007.

Gray H. Miller
United States District Judge

~~United States~~ District Judge